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The Honorable Thomas O. Rice

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MILAN RICHARD HAVLIK, JR.,

Plaintiff,

v.

BILL ROBERTS, TAMMI DENNEY  
and RANDAL CLINE,

Defendants.

**NO. 2:22-cv-00096-TOR**

**DECLARATION OF  
SERGEANT BILL ROBERTS  
SUPPORTING DEFENDANTS'  
RESPONSE IN OPPOSITION  
TO PLAINTIFF'S MOTION  
FOR PRELIMINARY  
INJUNCTION PURSUANT TO  
FED. R. CIV. PROC. 65(a)  
(ECF NO. 49)**

**Noted for Hearing On:  
December 19, 2022  
Without Oral Argument**

I, SERGEANT BILL ROBERTS, declare pursuant to the penalties of perjury under the laws of the State of Washington that I am authorized to make this Declaration and that the matters set forth in my Declaration are true and

DECLARATION OF SERGEANT BILL  
ROBERTS - Page 1

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1 correct, based on my personal knowledge, and I am competent to testify to the  
2 matters set forth therein.  
3

4 1. Presently, I am a corrections sergeant for the Okanogan County Jail.

5 2. I have been employed as an Okanogan County Jail corrections  
6 officer for the past thirty-three (33) years.  
7

8 3. Currently, the Okanogan County Jail has an inmate population of 71.  
9

10 4. The Okanogan County Jail has a small kitchen of approximately 744  
11 square feet. This kitchen is not physically equipped to prepare kosher  
12 meals.  
13

14 5. I have reviewed the Okanogan County Jail file of the above-  
15 referenced Plaintiff which forms the factual basis for my Declaration.  
16

17 6. Any written grievance filed by Mr. Havlik is placed in his jail file  
18 and a particular grievance is responded to in writing.  
19

20 7. The response to the grievance is made at or near the time the  
21 grievance is received by jail staff. The responses to the grievance are kept  
22 in the ordinary course of business and all of the information contained in  
23 my Declaration is based on those responses made to the grievance filed by  
24 Mr. Havlik.  
25

26 8. Mr. Havlik was booked into the Okanogan County Jail on February  
27 9, 2022.  
28  
29  
30

1        9. Mr. Havlik was booked on charges of Illegal Possession of Firearms  
2  
3        First Degree – 2 Counts of Identity Theft Second Degree – 2 Counts of  
4        Forgery – Possession of Stolen Property First Degree and Trafficking  
5        Stolen Property First Degree.  
6

7        10. On February 19, 2022, the Plaintiff filed a request for being placed  
8  
9        on a kosher diet.

10       11. On February 22, 2022, Mr. Havlik was interviewed regarding his  
11  
12       grievance by Sergeant Randal J. Cline.

13       12. Mr. Havlik was asked what his religion is and he stated he was  
14  
15       Jewish Orthodox.

16       13. The Plaintiff was administered basic questions about the Jewish faith  
17  
18       and was unable to explain his beliefs as a Jewish Orthodox individual.

19       14. The Plaintiff stated he converted to a kosher diet in 2015 while at a  
20  
21       correctional facility in Florida.

22       15. Mr. Havlik admitted that he does not attend Jewish faith services,  
23  
24       claiming it was based on him being homeless.

25       16. Mr. Havlik responded to a question that the last time he practiced his  
26  
27       religion was at Milton Corrections in Florida in the year 2015.

28       17. Mr. Havlik was unable to answer the question of what is the day of  
29  
30       the Sabbath?

1        18. The Plaintiff, at the time of his booking, did not request a special diet  
2        on the intake questionnaire.  
3

4        19. Sergeant Cline denied Mr. Havlik's request for the Kosher Diet on  
5        February 22, 2022 following the aforementioned interview.  
6

7        20. On February 22, 2022, the Plaintiff filed a grievance regarding  
8        Sergeant Cline's decision, claiming that he had received a kosher diet while  
9        incarcerated at the Florida Department of Corrections. The grievance was  
10       reviewed by the Director of the Okanogan County Jail and I was instructed  
11       to contact the Florida Department of Corrections for records.  
12

13       21. I attempted to contact the Florida Department of Corrections on three  
14       separate occasions, once via phone and twice via email. As of March 17,  
15       2022, there has been no response and we have received no records to  
16       validate or verify whether Mr. Havlik was on a kosher diet while  
17       incarcerated in Florida.  
18

19       22. Based on the lack of response from the Florida Department of  
20       Corrections, and the inability to confirm Havlik's claim, his request was  
21       taken at face value and his diet was changed to the Least Restrictive  
22       Alternative which specifically included that he would not be presented with  
23       any foods that contained pork.  
24  
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1           23. On March 17, 2022, Mr. Havlik was advised of the change in his diet  
2 request, and he was told that, due to the jail facility's infrastructure and  
3 inability to prepare kosher food products, the Least Restrictive Alternative  
4 diet would be provided. Mr. Havlik agreed to this diet and his grievance  
5 was closed.  
6

7  
8           24. The Plaintiff, on March 29, 2022, reneged on his agreement to accept  
9 the Least Restrictive Alternative/no pork option and, again, grieved his diet  
10 placement.  
11

12  
13           25. Despite Mr. Havlik's proclamation of his Jewish faith, he has placed  
14 orders through the jail Commissary and purchased items that are not  
15 kosher.  
16

17  
18           26. Mr. Havlik was advised that he would remain on the Least  
19 Restrictive Alternative diet and the matter was closed.  
20

21           27. I personally contacted the Chelan County Jail and was informed that  
22 they have the same "no pork" least restrictive alternative at their facility.  
23

24           28. I also contacted the Ferry County Jail and was told they also have a  
25 "no pork" least restrictive alternative diet for inmates requesting a kosher  
26 diet.  
27

28           29. In dealing with Mr. Havlik's Least Restrictive Alternative "no pork"  
29 diet, the kitchen staff has confirmed that he has been on a "no pork"  
30

1 alternative diet since March 2022. His picture is marked as "no pork" for  
2 all staff to review when doing the tray count.  
3

4 29. The Okanogan County Jail does not have a specific list or menu for  
5 Least Restrictive Alternative diets.  
6

7 30. The cooks at the Okanogan County Correctional Facility go off of  
8 dietary ingredients for a particular food item.  
9

10  
11 Signed this 23 day of November, 2022, at Okanogan, Washington.  
12

13  
14 

15  
16 Sergeant Bill Roberts, Okanogan County Jail  
17  
18  
19  
20

21 WCRPOS-002538 PLE DEC ROBERTS SUPP RESP TO MTN FOR PRELIM INJUNCTION-112222  
22  
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30

**CERTIFICATION OF SERVICE**

I declare under penalty of perjury under the laws of the State of Washington that on December 1, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of Washington using the CM/ECF system which will send notification of such filing to:

And I certify that I have mailed by United States Postal Service the foregoing to the following non CM/ECF participants:

Milan Richard Havlik, Jr., 119364  
Okanogan County Jail  
149 N. 4<sup>th</sup> St.  
Okanogan, WA 98840

Signed at Wenatchee, Washington on December 1, 2022.

/s/ Patrick McMahon  
PATRICK MCMAHON, WSBA #18809